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104TH CONGRESS
1ST SESSION

H. R. 1750

To amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1995

Mr. TOWNS (for himself and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Primary Care Health
5 Practitioner Incentive Act of 1995".

1 SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR
2 NURSE PRACTITIONERS AND CLINICAL
3 NURSE SPECIALISTS.

4 (a) REMOVAL OF RESTRICTIONS ON SETTINGS.—

5 (1) IN GENERAL.—Section 1861(s)(2)(K)(ii) of
6 the Social Security Act (42 U.S.C.
7 1395x(s)(2)(K)(ii)) is amended to read as follows:

8 “(ii) services which would be physicians’ serv-
9 ices if furnished by a physician (as defined in sub-
10 section (r)(1)) and which are performed by a nurse
11 practitioner or clinical nurse specialist (as defined in
12 subsection (aa)(5)) working in collaboration (as de-
13 fined in subsection (aa)(6)) with a physician (as so
14 defined) which the nurse practitioner or clinical
15 nurse specialist is legally authorized to perform by
16 the State in which the services are performed, and
17 such services and supplies furnished as an incident
18 to such services as would be covered under subpara-
19 graph (A) if furnished incident to a physician’s pro-
20 fessional service;”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Section 1861(s)(2)(K) of such Act (42
23 U.S.C. 1395x(s)(2)(K)), as amended by para-
24 graph (1), is amended—

25 (i) in clause (i), by inserting “and
26 such services and supplies furnished as in-

1 cident to such services as would be covered
2 under subparagraph (A) if furnished as an
3 incident to a physician's professional serv-
4 ice." after "are performed, and"; and

5 (ii) by striking clauses (iii) and (iv).

6 (B) Section 1861(b)(4) of such Act (42
7 U.S.C. 1395x(b)(4)) is amended by striking
8 "clauses (i) or (iii) of subsection (s)(2)(K)" and
9 inserting "subsection (s)(2)(K)".

10 (C) Section 1862(a)(14) of such Act
11 (42 U.S.C. 1395y(a)(14)) is amended by
12 striking "section 1861(s)(2)(K)(i) or
13 1861(s)(2)(K)(iii)" and inserting "section
14 1861(s)(2)(K)".

15 (D) Section 1866(a)(1)(H) of such
16 Act (42 U.S.C. 1395cc(a)(1)(H)) is
17 amended by striking "section
18 1861(s)(2)(K)(i) or 1861(s)(2)(K)(iii)"
19 and inserting "section 1861(s)(2)(K)".

20 (b) INCREASED PAYMENT.—

21 (1) FEE SCHEDULE AMOUNT.—Section
22 1833(a)(1)(O) of the Social Security Act (42 U.S.C.
23 1395l(a)(1)(O)) is amended to read as follows: "(O)
24 with respect to services described in section
25 1861(s)(2)(K)(ii) (relating to nurse practitioner or

1 clinical nurse specialist services), the amounts paid
2 shall be equal to 80 percent of (i) the lesser of the
3 actual charge or 85 percent of the fee schedule
4 amount provided under section 1848 for the same
5 service provided by a physician who is not a special-
6 ist; or (ii) in the case of services as an assistant at
7 surgery, the lesser of the actual charge or 85 per-
8 cent of the amount that would otherwise be recog-
9 nized if performed by a physician who is serving as
10 an assistant at surgery, and”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 1833(r) of such Act (42
13 U.S.C. 1395l(r)) is amended—

14 (i) in paragraph (1), by striking “sec-
15 tion 1861(s)(2)(K)(iii) (relating to nurse
16 practitioner or clinical nurse specialist
17 services provided in a rural area),” and in-
18 serting “section 1861(s)(2)(K)(ii) (relating
19 to nurse practitioner or clinical nurse spe-
20 cialist services),”;

21 (ii) by striking paragraph (2);

22 (iii) in paragraph (3), by striking
23 “section 1861(s)(2)(K)(iii)” and inserting
24 “section 1861(s)(2)(K)(ii)”; and

1 (iv) by redesignating paragraph (3) as
2 paragraph (2).

3 (B) Section 1842(b)(12)(A) of such Act
4 (42 U.S.C. 1395u(b)(12)(A)) is amended in the
5 matter preceding clause (i), by striking “clauses
6 (i), (ii), or (iv) of section 1861(s)(2)(K) (relat-
7 ing to a physician assistants and nurse practi-
8 tioners)” and inserting “section
9 1861(s)(2)(K)(i) (relating to physician assist-
10 ants)”.

11 (c) DIRECT PAYMENT FOR NURSE PRACTITIONERS
12 AND CLINICAL NURSE SPECIALISTS.—

13 (1) IN GENERAL.—Section 1832(a)(2)(B)(iv) of
14 the Social Security Act (42 U.S.C.
15 1395k(a)(2)(B)(iv)) is amended by striking “pro-
16 vided in a rural area (as defined in section
17 1886(d)(2)(D))”.

18 (2) CONFORMING AMENDMENT.—Section
19 1842(b)(6)(C) of such Act (42 U.S.C.
20 1395u(b)(6)(C)) is amended—

21 (A) by striking “clauses (i), (ii), or (iv)”
22 and inserting “clause (i)”; and

23 (B) by striking “or nurse practitioner”.

1 (d) BONUS PAYMENT FOR SERVICES PROVIDED IN
2 HEALTH PROFESSIONAL SHORTAGE AREAS.—Section
3 1833(m) of such Act (42 U.S.C. 1395l(m)) is amended—

4 (1) by inserting “(1)” after “(m)”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) In the case of services of a nurse practitioner
8 or clinical nurse specialist furnished to an individual, de-
9 scribed in paragraph (1), in an area that is a health pro-
10 fessional shortage area as described in such paragraph,
11 in addition to the amount otherwise paid under this part,
12 there shall also be paid to such service provider (on a
13 monthly or quarterly basis) from the Federal Supple-
14 mentary Medical Insurance Trust Fund an amount equal
15 to 10 percent of the payment amount for the service under
16 this part.”.

17 (e) DEFINITION OF CLINICAL NURSE SPECIALIST
18 CLARIFIED.—Section 1861(aa)(5) of such Act (42 U.S.C.
19 1395x(aa)(5)) is amended—

20 (1) by inserting “(A)” after “(5)”;

21 (2) by striking “The term “‘physician assist-
22 ant’ ” and all that follows through “who performs”
23 and inserting “The term ‘physician assistant’ and
24 the term ‘nurse practitioner’ mean, for purposes of

1 this title, a physician assistant or nurse practitioner
2 who performs”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(B) The term ‘clinical nurse specialist’ means,
6 for purposes of this title, an individual who—

7 “(i) is a registered nurse and is licensed to
8 practice nursing in the State in which the clini-
9 cal nurse specialist services are performed; and

10 “(ii) holds a master’s degree in a defined
11 clinical area of nursing from an accredited edu-
12 cational institution.”.

13 (f) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to services furnished
15 and supplies provided on and after July 1, 1995.

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